

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**EQUANES A. GRIFFIN,**

**Petitioner,**

**v.**

**Case No. 19-CV-1313**

**BRIAN FOSTER,**

**Respondent.**

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**ORDER AND RECOMMENDATION**

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Equanes A. Griffin filed a petition for a writ of habeas corpus on September 10, 2019. He failed to pay the \$5.00 filing fee. The following day, the Clerk of Court sent him a letter requesting that he either promptly pay the \$5.00 filing fee or file “a Request to Proceed in District Court Without Prepaying the Filing Fee ... together with a certified copy of your institutional trust account statement for the past six months.” (ECF No. 2.) On September 20, 2019, Griffin filed a Request to Proceed in District Court Without Prepaying the Filing Fee form (ECF No. 5) but failed to provide the court with a certified copy of his trust account statement.

On October 11, 2019, the Clerk of Court sent Griffin a second letter requesting that he file a “certified copy within 21 days of the date of this letter.” (ECF No. 6.) The

letter further stated, “Failure to comply with this requirement may result in the Court’s dismissal of your case.” (ECF No. 6 (emphasis in original).) The court has not received Griffin’s trust account statement nor heard anything further from him.

**THE COURT NOW ORDERS** that, no later than **December 6, 2019**, Griffin shall file with the court a certified copy of his trust account statement reflecting the six-month period prior to September 10, 2019.

**THE COURT FURTHER RECOMMENDS** that, if Griffin fails to file a certified copy of his trust account statement by **December 6, 2019**, this action be dismissed pursuant to Civil Local Rule 41(c) (E.D. Wis.) for failure to prosecute.

Your attention is directed to 28 U.S.C. § 636(b)(1)(B) and (C) and Fed. R. Civ. P. 72(b)(2) whereby written objections to any recommendation herein or part thereof may be filed within fourteen days of service of this recommendation. Failure to file a timely objection with the district court shall result in a waiver of your right to appeal.

Dated at Milwaukee, Wisconsin this 22nd day of November, 2019.

  
WILLIAM E. DUFFIN  
U.S. Magistrate Judge